IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

WP(C).No. 34231 of 2006(A)

PETITIONERS:

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1. KANAKAMMA, AGED 57,
ANGANWADY WORKER (TEMPORARY),
ANGANWADY NO-17, KALAVOOR P.O.,
ALAPPUZHA.

2. ELIZABETH CLEETUS, AGED 52,
ANGANWADY WORKER (TEMPORARY), ANGANWADY NO.98,
KATTOOR P.O., ALAPPUZHA.

3. SATHYABHAMA, AGED 54,
ANGANWADY HELPER, ANGANWADY NO.25,
MANNANCHERRY P.O., ALAPPUZHA.

BY ADV. SRI.J.OM PRAKASH

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED
BY THE SECRETARY TO GOVERNMENT,
SOCIAL WELFARE (B) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF SOCIAL WELFARE,
SOCIAL WELFARE BHAVAN, POOJAPURA,
THIRUVANANTHAPURAM.

3. THE DISTRICT SOCIAL WELFARE OFFICER,
ALAPPUZHA.

BY GOVT. PLEADER SHRI.BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

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WP(C).No.34231 OF 2006-A.

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Dated this the 18th day of January, 2007.

J U D G M E N T

The petitioners have been working temporarily as Helpers and subsequently as Anganwadi Workers in Alappuzha district. As per Ext.P2 the maximum upper age for appointment to the post of Anganwadi Worker fixed by the Government is 50 years. The petitioners have crossed the age of 50 years. However, it is stated that having regard to the fact that they have been working temporarily for a considerable period of time, the Government can consider their case sympathetically so as to deal with their case in a just and equitable manner. With the above intention, the petitioners had submitted Ext.P3 representation addressed to the Government. But the Government instead of passing orders on the merit of the request made by the petitioners, transmitted Ext.P2 to the 2nd respondent Director for disposing the same. Accordingly, the 2nd respondent passed Ext.P4 order stating that the Government have not taken any decision to regularise the services of temporary workers and that according to the rules now in existence, the upper age limit is 50 years. Counsel for the petitioners submits that an order in the nature of

Ext.P4 cannot be considered to be one passed after due consideration of the request of the petitioners by the competent authority. Since the upper age limit was fixed by the Government as per Ext.P2, relaxation, if any, can be granted by the Government only. Therefore, the Government instead of transmitting Ext.P2 to the Director, ought to have taken up the matter by itself and rendered appropriate decision.

2. I have heard Government Pleader for the respondents.

3. I find force in the submissions made by the learned counsel for the petitioners. Moreover, Government have since issued fresh orders on the subject. In the circumstances, there shall be a direction to the 1st respondent to consider the request made by the petitioners in Ext.P3 and to take appropriate decision. Hence the 2nd respondent is directed to retransmit Ext.P3 to the Government for appropriate consideration. Final orders shall be passed by the 1st respondent within two months from the date of receipt of a copy of this Judgment.

Writ petition is disposed of as above.

K.K.DENESAN, JUDGE.

kvs/-